

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

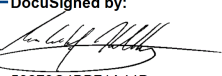
The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.84 relating to Statutory Advisory Committees to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

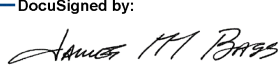
IT IS THEREFORE ORDERED by the commission that the amendments to §1.84 are adopted and are authorized for filing with the Office of Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

DocuSigned by:

58273C4BB71A44D...
Director, Maritime Division

Recommended by:

DocuSigned by:

A36629BA547D4BD
Executive Director

115854 Sept. 24, 2020

Minute Number	Date Passed
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Adoption Preamble

The Texas Department of Transportation (department) adopts amendments to §1.84, concerning Statutory Advisory Committees.

The amendments to §1.84 are adopted without changes to the proposed text as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4731) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Senate Bill No. 1959, 86th Regular Session, 2019, amended Transportation Code, Chapter 55, Funding of Port Security, Projects, and Studies, to clarify the duties of the Port Authority Advisory Committee (PAAC). Previously, Transportation Code, §55.007, required the PAAC to submit a biennial maritime port mission plan, while Transportation Code, §55.008, required the PAAC to submit a similar port capital program. The required content of the two reports was unclear but seemingly redundant. The statutory amendments clarified those requirements. The purpose of this rulemaking is to align the rules with the statutory changes.

Amendments to §1.84 specify that the PAAC is required to prepare, not later than December 1 of each even-numbered year, a single maritime port mission plan that conforms with the requirements of Transportation Code, §55.008, and submit the plan to the commission and to the governor, lieutenant governor, speaker of the house of representatives.

1 COMMENTS

2 No comments on the proposed amendments to §1.84 were received.

3

4 STATUTORY AUTHORITY

5 The amendments are adopted under Transportation Code, §201.101,
6 which provides the Texas Transportation Commission (commission)
7 with the authority to establish rules for the conduct of the
8 work of the department, and more specifically, Transportation
9 Code, §55.009, which requires the commission to adopt rules to
10 implement Transportation Code, Chapter 55, and Transportation
11 Code, §201.117, which requires the commission to determine the
12 duties of its advisory committees.

13

14 CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

15 Transportation Code, §55.007 and §55.008.

SUBCHAPTER F. ADVISORY COMMITTEES

§1.84. Statutory Advisory Committees.

(a) Aviation Advisory Committee.

(1) Purpose. Created pursuant to Transportation Code, §21.003, the Aviation Advisory Committee provides a direct link for general aviation users' input into the Texas Airport System. The committee provides a forum for exchange of information concerning the users' view of the needs and requirements for the economic development of the aviation system. The members of the committee are an avenue for interested parties to utilize to voice their concerns and have that data conveyed for action for system improvement. Additionally, committee members are representatives of the department and its Aviation Division, able to furnish data on resources available to the Texas aviation users.

(2) Membership. The commission will appoint nine members to staggered terms of three years with three members' terms expiring August 31 of each year. A majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. A member may not serve more than three consecutive terms on the committee.

(3) Duties. The committee shall:

(A) periodically review the adopted capital improvement program;

1 (B) advise the commission on the preparation and
2 adoption of an aviation facilities development program;

3 (C) advise the commission on the establishment
4 and maintenance of a method for determining priorities among
5 locations and projects to receive state financial assistance for
6 aviation facility development;

7 (D) advise the commission on the preparation and
8 update of a multi-year aviation facilities capital improvement
9 program; and

10 (E) perform other duties as determined by order
11 of the commission.

12 (4) Meetings. The committee shall meet once a
13 calendar year and such other times as requested by the Aviation
14 Division Director.

15 (5) Rulemaking. Section 1.83 of this subchapter
16 (relating to Rulemaking) does not apply to the Aviation Advisory
17 Committee.

18 (b) Public Transportation Advisory Committee.

19 (1) Purpose. Created pursuant to Transportation Code,
20 §455.004, the Public Transportation Advisory Committee provides
21 a forum for the exchange of information between the department,
22 the commission, and committee members representing the transit
23 industry and the general public. Advice and recommendations
24 expressed by the committee provide the department and the
25 commission with a broader perspective regarding public

1 transportation matters that will be considered in formulating
2 department policies.

3 (2) Membership. Members of the Public Transportation
4 Advisory Committee shall be appointed and shall serve pursuant
5 to Transportation Code, §455.004.

6 (3) Duties. The committee shall:

7 (A) advise the commission on the needs and
8 problems of the state's public transportation providers,
9 including recommending methods for allocating state public
10 transportation funds if the allocation methodology is not
11 specified by statute;

12 (B) comment on proposed rules or rule changes
13 involving public transportation matters during their development
14 and prior to final adoption unless an emergency requires
15 immediate action by the commission;

16 (C) advise the commission on the implementation
17 of Transportation Code, Chapter 461; and

18 (D) perform other duties as determined by order
19 of the commission.

20 (4) Meetings. The committee shall meet as requested
21 by the commission or the division designated under §1.82(f) of
22 this subchapter (relating to Statutory Advisory Committee
23 Operations and Procedures).

24 (5) Public transportation technical committees.

25 (A) The Public Transportation Advisory Committee
26 may appoint one or more technical committees to advise it on

1 specific issues, such as vehicle specifications, funding
2 allocation methodologies, training and technical assistance
3 programs, and level of service planning.

4 (B) A technical committee shall report any
5 findings and recommendations to the Public Transportation
6 Advisory Committee.

7 (c) Port Authority Advisory Committee.

8 (1) Purpose. Created pursuant to Transportation Code,
9 §55.006, the purpose of the Port Authority Advisory Committee is
10 to provide a forum for the exchange of information between the
11 commission, the department, and committee members representing
12 the maritime port industry in Texas and others who have an
13 interest in maritime ports. The committee's advice and
14 recommendations will provide the commission and the department
15 with a broad perspective regarding maritime ports and
16 transportation-related matters to be considered in formulating
17 department policies concerning the Texas maritime port system.

18 (2) Membership. Members shall be appointed pursuant
19 to Transportation Code, §55.006. Members appointed by the
20 commission serve staggered three-year terms unless removed
21 sooner at the discretion of the commission.

22 (3) Duties. The committee shall:

23 (A) prepare a maritime port mission plan, in
24 accordance with Transportation Code, §55.008 and submit the plan
25 to the governor, lieutenant governor, speaker of the house of

1 representatives and commission not later than December 1 of each
2 even-numbered year;

3 (B) review each project eligible to be funded
4 under Transportation Code, Chapter 55, and make recommendations
5 for approval or disapproval to the department; and

6 (C) advise the commission and the department on
7 matters relating to port authorities[~~;~~ ~~and~~]

8 [~~(D) not later than December 1 of each even-~~
9 ~~numbered year;~~]

10 [~~(i) prepare and submit a report on Texas~~
11 ~~maritime ports, in accordance with Transportation Code, §55.007,~~
12 ~~subsections (a) (3) and (b);~~]

13 [~~(ii) prepare and submit a port capital~~
14 ~~program, in accordance with Transportation Code, §55.008]~~.

15 (4) Meeting. The committee shall meet at least
16 semiannually and such other times as requested by the
17 commission, the executive director, or the executive director's
18 designee. The chair may request the department to call a
19 meeting.

20 (d) Border Trade Advisory Committee.

21 (1) Purpose. Created pursuant to Transportation Code,
22 §201.114, the Border Trade Advisory Committee provides a forum
23 for the exchange of communications among the commission, the
24 department, the governor, and committee members representing
25 border trade interests. The committee's advice and
26 recommendations will provide the governor, the commission, and

1 the department with a broad perspective regarding the effect of
2 transportation choices on border trade in general and on
3 particular communities. The members of the committee also
4 provide an avenue for interested parties to express opinions
5 with regard to border trade issues.

6 (2) Membership. The border commerce coordinator
7 designated under Government Code, §772.010, shall serve as the
8 chair of the committee. The commission will appoint the other
9 members of the committee in accordance with Transportation Code,
10 §201.114. The commission will appoint members to staggered
11 three-year terms expiring on August 31 of each year, except that
12 the commission may establish terms of less than three years for
13 some members in order to stagger terms.

14 (3) Duties. The committee shall:

15 (A) define and develop a strategy for identifying
16 and addressing the highest priority border trade transportation
17 challenges;

18 (B) make recommendations to the commission
19 regarding ways in which to address the highest priority border
20 trade transportation challenges;

21 (C) advise the commission on methods for
22 determining priorities among competing projects affecting border
23 trade; and

24 (D) perform other duties as determined by the
25 commission, the executive director, or the executive director's
26 designee.

1 (4) Meetings. The committee shall meet at least once
2 a calendar year. The dates and times of meetings shall be set
3 by the committee. The committee shall also meet at the request
4 of the department.

5 (5) Rulemaking. Sections 1.82(i) and 1.83 of this
6 subchapter do not apply to the Border Trade Advisory Committee.